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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MASAMI KANAMARU, ET AL. : EXAMINER: LEE, R. A.
SERIAL NO: 09/784,444 :
FILED: FEBRUARY 26, 2001 : GROUP ART UNIT: 1713
FOR: PROPYLENE POLYMER, :
MOLDING OBJECT THEREOF, AND
PROCESS FOR PRODUCING
PROPYLENE POLYMER

AMENDMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Office Action dated February 18, 2003, Applicants respectfully request reconsideration of the above-identified application in view of the following amendment, Declaration under 37 C.F.R. § 1.132 of named co-inventor Masami Kanamaru (Kanmaru Declaration) **submitted herewith**, and remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Discussion of the Amendment begins on page 7.

Election begins on page 8.

Remarks begin on page 10 of this paper.

DISCUSSION OF THE AMENDMENT

Claim 1 has been amended by incorporating the subject matter of Claim 2 therein, and by inserting the conditions of programmed temperature fractionation for Th, as supported in the specification at the paragraph bridging pages 57 and 58. Claim 2 has been cancelled.

The equation for ΔH has been rewritten by deleting the redundant "x".

Claim 15 has been amended as suggested by the Examiner, and by inserting that it is the (B-2) ionic compounds that are capable of reacting Claim 16 has also been amended the same way with regard to the (B-2) ionic compounds, and by inserting appropriate Markush terminology.

No new matter has been added by the above amendment. Claims 1 and 12-18 are now pending in the application.

ELECTION

1. Restriction to one of the following invention has been required under 35

U.S.C. § 121:

- I. Claims 1, 2, 12-15, 17, and 18, drawn to a propylene polymer and its method of preparation, classified in class 526, subclass 160.
- II. Claim 16, drawn to a method of preparing a propylene polymer, classified in class 526, subclass 160.

Applicants have elected Group I, i.e., Claims 1, 2, 12-15, 17, and 18, **with traverse**.

Restriction is only proper if the Claims of the restricted groups are either independent or patentably distinct (MPEP §803). The burden of proof is on the Examiner to provide reasons and/or examples, to support any conclusion in regard to patentable distinctness (MPEP §803). Applicants respectfully traverse the Restriction Requirement on the ground that the Examiner has not carried the burden of providing any material reasons and/or examples to support the conclusion that the claims of the restricted groups are patentably distinct.

The Examiner has categorized the relationship between the inventions of Group I and Group II as unrelated. The Examiner must show that the various inventions are not disclosed as capable of use together, or have different modes of operation, or different functions, or different effects. MPEP 806.04.

The burden is on the Examiner to provide an example(s). The Examiner's example is that "the methods described within the two groups of claims can be used to make chemically distinct polymer products. The method of Claim 16 can be used to make polymer other than the propylene polymer of Claims 1, 2, 12-14, 15, 17, and 18." In reply, the Examiner is incorrect. Claim 16 specifically begins: "A method for producing **the propylene polymer**

of claim 1” (emphasis added). Thus, both the Examiner’s reasons and rationale are incorrect. Accordingly, the Examiner is respectfully requested to withdraw the restriction requirement, and examine all of the presently-pending claims.